

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**JAMES LYNN GARRETT and  
SHANNON MARIE GARRETT**

**Plaintiffs,**

**v.**

**THE ILLINOIS STATE  
TOLL HIGHWAY AUTHORITY,  
FREDDY DICKERSON, MARIO  
CALABRESE, PAUL EDWARD  
GONZALEZ, JOHN BENDA,  
DONALD J. McLENNAN, STEVEN  
T. MUSSER, and MICHAEL ZADEL**

**Defendants**

**Case No. 07 C 6882**

**Judge Guzman**

**Magistrate Judge Cox**

**DEFENDANT'S MOTION TO RECONSIDER**

Now come the defendants, the ILLINOIS STATE TOLL HIGHWAY AUTHORITY, FREDDY DICKERSON, MARIO CALABRESE, PAUL EDWARD GONZALEZ, JOHN BENDA, DONALD J. McLENNAN, STEVEN T. MUSSER, and MICHAEL ZADEL, by their attorney, LISA MADIGAN, Attorney General of the State of Illinois, and LARRY R. WIKOFF and TIFFANY I. BOHN, Assistant Attorneys General, and move this Honorable Court, to reconsider that portion of its ruling entered on May 7, 2008 denying defendants' Motion to abstain from exercising jurisdiction and to hold the matter in abeyance and stay all proceedings pursuant to the Colorado River<sup>1</sup> doctrine of abstention for the following reasons.

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<sup>1</sup> Colorado River Water Conservation Dist. v. United States, 424 U.S. 800 (1976).

1. The Court denied defendants' motion to abstain pursuant to the Colorado River doctrine because it could not decide whether the two suits (state court action and federal court action) were parallel since copies of the state court pleadings referred to were not attached to the defendants' motion.
2. That defendants now attach copies of the state court pleadings to which reference was made in their motion to dismiss/or abstain for the court to examine.
3. In addition, since the filing of defendants' Motion to Dismiss/or Abstain the Circuit Court of Cook County by order dated March 12, 2008, set the state court lawsuits for trial on August 18, 2008.

Wherefore the defendants pray the Court to reconsider its denial of their motion seeking to have the Court abstain from exercising its jurisdiction over the above-captioned matter.

LISA MADIGAN,  
Attorney General State of Illinois

Respectfully submitted,  
Illinois State Toll Highway Authority

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Larry R. Wikoff,  
Assistant Attorney General  
Attorney for Defendants

Larry R. Wikoff  
2700 Ogden Avenue  
Downers Grove, IL 60515  
(630) 241-6800 x 1505  
ARDC No. 3013898

